

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CLARKE and REBECCA WIXON,)	
)	
Plaintiff(s),)	No. C 07-2361 JSW (BZ)
)	
v.)	THIRD DISCOVERY ORDER
)	
TRENDWEST RESORTS, INC., et)	
al.,)	
)	
Defendant(s).)	
_____)	

Following a telephone conference at which the parties were represented by counsel, **IT IS HEREBY ORDERED** as follows:

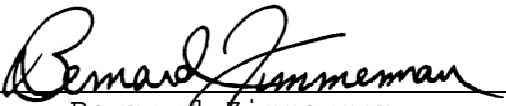
1. With regard to the dispute over interrogatories, the parties shall meet and confer one final time and attempt to resolve their disagreement in accordance with the views expressed by the Court. If the parties are unable to reach an agreement, defendants are given leave to file motions to compel further discovery. The director defendants' motion shall be filed by **March 25, 2009**. Plaintiffs' opposition shall be filed by **April 1, 2009** and defendants' reply shall be filed by **April 8, 2009**. Defendant Wyndham Resort Development Corp. shall file its motion by **April 1, 2009**. Plaintiffs'

1 opposition shall be filed by **April 8, 2009** and defendant's
2 reply shall be filed by **April 13, 2009**. The Court will decide
3 whether to set a hearing after reviewing all the papers;

4 2. With regard to the dispute over the class
5 certification expert witness disclosure schedule, I find no
6 need for further briefing. I deem the plaintiffs' opposition
7 (Docket No 219) to constitute a motion for relief from any
8 default that may have occurred. I find that there is good
9 cause to grant plaintiffs the relief they seek because of:
10 (1) the lack of finality in their respective correspondence on
11 this issue (2) the defendants' somewhat belated document
12 production (3) the minimal impact on the defendants of the two
13 week delay. **IT IS THEREFORE ORDERED** that plaintiffs' March
14 16, 2009 disclosure was timely.

15 3. Defendants' motions for production of plaintiffs'
16 retention of counsel letters (Docket No. 221 and 222) are
17 **DENIED**.

18 Dated: March 20, 2009

19 
20 Bernard Zimmerman
United States Magistrate Judge

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